FILED
DEC 17 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8988

UNITED STATES OF AMERICA,
Plaintiff,
v.
Gabino Alberto RODRIGUEZ Lara,
Defendant.

Magistrate Case No.:
COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about December 14 , 2007, within the Southern District of California, defendant Gabino Alberto RODRIGUEZ Lara , did knowingly and intentionally import approximately 22.96 kilograms (50.512 pounds) of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, December 17, 2007.

Peter C. Lewis
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Lorena Mulvihill with the U.S. Immigration and Customs Enforcement, declare under penalty of perjury, the following is true and correct:

On December 14, 2007, at approximately 1617 hours, Gabino Alberto RODRIGUEZ Lara entered the United States from the Republic of Mexico at the Calexico California West Port of Entry. RODRIGUEZ was the driver and sole occupant of a 1994 Ford Escort bearing Baja California, Mexico license plate number BCN9638.

Customs and Border Protection Officer (CBPO) Estrada obtained a negative Customs Declaration from RODRIGUEZ and noticed RODRIGUEZ displayed signs of nervousness. CBPO Estrada observed RODRIGUEZ hands shaking as he dropped his identification card and attempted to hand it over for entry. CBPO Estrada also noticed RODRIGUEZ gave no eye contact when responding to questions. A query of RODRIGUEZ' name by CBPO Estrada resulted in an active lookout for a non-factory compartment found in a vehicle registered to RODRIGUEZ. CBPO Estrada referred RODRIGUEZ and the vehicle to the vehicle secondary lot for further examination.

CBP Canine Enforcement Officer (CEO) Parrish's Human Narcotic Detector Dog alerted to RODRIGUEZ' vehicle. CBP Officers searched the vehicle RODRIGUEZ was driving and discovered two (2) packages containing a green leafy substance concealed within the spare tire wheel well of the vehicle. A sample from one of the packages was obtained which field-tested positive for marijuana. The combined weight of the 2 packages was 22.96 kilograms (50.512 pounds) of marijuana.

RODRIGUEZ was advised of his Constitutional rights according to Miranda, which he acknowledged but did not waive. RODRIGUEZ declined to make any further statements.

Executed on December 14, 2007, at 2009 hours.

Special Agent

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 14, 2007, in violation of Title 21, United States Code, Sections 952 and 960.

United States Magistrate Judge

12/15/07 1203 hrs
Date/Time